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COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO
ANY FORM OF DETENTION OR IMPRISONMENT

Argentina, Austria, Belgium*, Brazil, Bulgaria, Canada,
Czech Republic, Denmark, Finland*, France, Germany,
Greece*, Hungary*, Ireland, Italy, Luxembourg*, Peru*,
Philippines, Portugal*, Republic of Korea,
Russian Federation, San Marino*, Slovakia*, Spain*
and Sweden*: draft resolution

1997/... United Nations staff

The Commission on Human Rights,

Recalling its resolution 1996/29 of 19 April 1996,

Gravely concerned at the recent increase in attacks and the use of force against United Nations and other personnel acting under the authority of United Nations operations as well as personnel of international humanitarian organizations, including murder, physical and psychological threats, hostage-taking, shooting at vehicles and aircraft, mine-laying, looting of

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

assets and other hostile acts and, in this context, welcoming the statement by the President of the Security Council of 12 March 1997 (S/PRST/1997/13) on "Security of United Nations operations",

Noting that since its adoption the Convention on the Safety of United Nations and Associated Personnel has been signed by only 43 Member States and ratified by 10,

1. Takes note of the updated report of the Secretary-General on the detention of international civil servants and their families (E/CN.4/1997/25);

2. Draws attention to the relevant principles on protection found in the Convention on the Privileges and Immunities of the United Nations, in the Convention on the Privileges and Immunities of the Specialized Agencies and in the Convention on the Safety of United Nations and Associated Personnel;

3. Calls upon all States to consider promptly becoming parties to the Convention on the Safety of United Nations and Associated Personnel;

4. Calls upon States and others concerned:

(a) To respect and ensure respect for the rights of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to take the necessary measures to ensure the safety and security of those personnel as well as the inviolability of United Nations premises which are essential to the continuation and successful implementation of United Nations operations;

(b) To provide adequate and prompt information concerning the arrest or detention of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(c) To grant the representative of the competent international organization immediate access to them;

(d) To allow independent medical teams to investigate the health of detained United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to afford them the necessary medical assistance;

(e) To allow representatives of the competent international organization to attend hearings involving United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, provided that such attendance is consistent with domestic law;

(f) To ensure the speedy release of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant conventions referred to in the present resolution and applicable international humanitarian law;

(g) To ensure that the perpetrators of unlawful acts against United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are held accountable for their actions;

5. Decides to request the Secretary-General:

(a) To take the necessary measures to ensure full respect for the human rights, privileges and immunities of the United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and, when those human rights, privileges and immunities are violated, to ensure that such personnel are restored to their organization, and, where appropriate, to seek redress and compensation for the damage caused to them;

(b) To take the necessary measures to implement the recommendations contained in the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the protection of the human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1992/19), including the recommendations contained in paragraphs 45 and 47;

(c) To seek the inclusion of the applicable principles referred to in paragraph 2 of the present resolution in negotiations of headquarters and other mission agreements concerning United Nations and associated personnel;

(d) To submit to the General Assembly at its fifty-second session a report on the situation of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, on new cases which have been successfully settled, and on the implementation of the measures referred to in the present resolution;

(e) To commission a comprehensive and independent study, from within existing resources, to shed further light on the safety and security problems faced by United Nations and other personnel carrying out activities in the fulfilment of the mandate of a United Nations operation, taking into account the evolution of the nature of United Nations missions around the world and the greater responsibilities of those personnel, giving due consideration to the views of the main United Nations agencies concerned and of relevant international organizations, both intergovernmental and non-governmental.